

## **REMARKS**

In view of the above amendments and the following remarks, reconsideration and further examination are respectfully requested.

### **I. Priority Document**

Accompanying this Amendment is a verified English translation of Applicants' priority document (JP 2004-007683), thereby perfecting the priority date of January 15, 2004.

### **II. Amendments to the Claims**

Independent claims 1, 13 and 15 have been amended to overcome the 35 U.S.C. § 101 rejections discussed in detail below.

### **III. 35 U.S.C. § 101 Rejections**

Claims 1-8, 10 and 13 were rejected under 35 U.S.C. § 101 for failing to recite statutory subject matter. Specifically, independent claims 1 and 13 were rejected for reciting limitations that could be interpreted as software alone.

Claims 1 and 13 have been amended to require a physical "memory," which requires more than software alone. As a result, since independent claims 1 and 13 now require more than software alone, claims 1 and 13 and claims 2-8 and 10 that depend therefrom now recite statutory subject matter. Therefore, withdrawal of this portion of the 35 U.S.C. § 101 rejection is respectfully requested.

Claim 15 was also rejected under 35 U.S.C. § 101 for failing to recite statutory subject matter. Specifically, independent claim 15 was rejected for failing to recite the term "non-

transitory.” Claim 15 has been amended to recite a “non-transitory computer-readable recording medium,” which is statutory subject matter. As a result, withdrawal of this rejection is respectfully requested.

#### **IV. Allowable Subject Matter**

Claim 13 has been identified as being allowable. The Applicants would like to thank the Examiner for this indication of allowability. The scope of claim 13 remains unchanged and remains allowable.

#### **V. 35 U.S.C. § 103(a) Rejection**

Claims 1-8, 10, 14 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Nakano (U.S. 2003/0081792) and Takashima (U.S. 2006/0227973). This rejection is believed clearly inapplicable to independent claims 1 and 14 and 15 and the claims that depend therefrom for the following reasons.

Applicants submit that the Takashima reference is not prior art against this application because Takashima’s filing date of August 10, 2004 is subsequent to this application’s priority date of January 15, 2004, which has been perfected based on the verified English translation of JP 2004-007683 accompanying this amendment.

In view of the foregoing, Applicants respectfully submit that the above-noted rejection of claims 1-8, 10, 14 and 15 under 35 U.S.C. § 103(a) should be withdrawn.

## **VI. Conclusion**

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance and an early notification thereof is earnestly requested. The Examiner is invited to contact the undersigned by telephone to resolve any remaining issues.

Respectfully submitted,

Kaoru YOKOTA et al.

/Andrew L. Dunlap/

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Andrew L. Dunlap

Registration No. 60,554

Attorney for Applicants

ALD/led  
Washington, D.C. 20005-1503  
Telephone (202) 721-8200  
Facsimile (202) 721-8250  
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